



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Infrastructure and Land Use Committee

Tuesday, August 16, 2005

9:30 AM

Commission Chamber

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LEGISLATIVE ANALYSIS

RESOLUTION AUTHORIZING THE EXEMPTION OF THE CITY OF DORAL FROM THE PROVISIONS OF THE MIAMI-DADE COUNTY STORMWATER UTILITY ORDINANCE

Department of Environmental Resource Management

I. SUMMARY

- 2(F) – Exempts the City of Doral from provisions of County Ordinance 91-66 governing the establishment of a Countywide Stormwater Utility.
- 2(G) – Establishes an Interlocal Agreement between the City of Doral and Miami-Dade County, outlining the responsibilities of each party, with regards to the City of Doral's establishment of a Municipal Stormwater Utility.
- 2(T) – Execution of an Agreement with the City of Doral, which provides that the County shall, for a cost, continue to provide billing services to the residents and business within the City, on behalf of Doral's newly created Municipal Stormwater Utility.

II. PRESENT SITUATION

On June 18, 1991, the County established a Stormwater Utility authorized to collect fees in order to plan, construct, and maintain stormwater systems on a countywide basis.

In 1995 ordinance 95-195 was passed by the Board of County Commissioners which contained a provision allowing for municipalities to apply for an exemption from the countywide system in order to create a local Stormwater Utility.

On November 11, 2004, the City of Doral approved the creation of a City owned Stormwater Utility.

III. POLICY CHANGE AND IMPLICATION

There is no policy change associated with these three agenda items.

The ability of a municipality to establish its' own stormwater utility is currently established in County Code Sec. 24-51.2.

(SEE COMMENTS SECTION FOR ADDITIONAL IMPLICATIONS)

IV. ECONOMIC IMPACT

There is no direct negative fiscal impact to the County.

Item 2(F) and 2(T) establish the financial obligations required of the City of Doral in order to be considered for an exemption from the County System and utilize the County's billing services.

V. COMMENTS AND QUESTIONS

On the surface, it would seem that as more municipalities elect to establish their own stormwater utilities, the County would require less people to provide stormwater services to the remaining balance of residents covered by the countywide system.

However, it has been pointed out by the Flood Management Task Force, that one of the main reasons flooding has become an issue in recent years has been an inability to keep up with the maintenance of the countywide stormwater management system.

Although recent infusions of funds from the Federal Emergency Management Administration (FEMA) have enabled the County to make progress in the maintenance of the system, programs such as QNIP drainage projects and the upcoming General Obligation Bond (GOB) infrastructure improvements would probably benefit from maintaining, at least, the current workforce with regards to the stormwater management system.

As was evident after Hurricane Irene and the "No Name Storm" of 1999, Miami-Dade County required numerous improvements to the stormwater infrastructure.

To that end, the County spent an estimated \$650 million on approximately 3000 projects. Maintenance of this expanded system is seen as essential in avoiding future flooding.

LEGISLATIVE ANALYSIS

ORDINANCE AMENDING ORDINANCE 89-95 REGARDING RENDITION OF WATER AND SEWER SERVICE BY VOLUME CUSTOMERS

Infrastructure and Land Use Committee

I. SUMMARY

This Ordinance proposes an amendment to Ordinance 89-95. The amendment will assist the County and the Water and Sewer Department in taking a firmer stance against delinquent payments by taking more precautionary measures in rendering water and sewer services to new tenants (retail users) before connection payments have been made.

II. PRESENT SITUATION

Earlier this year, the Water and Sewer Department was under serious scrutiny for accusations stemming from their failure to collect numerous delinquent payments (mostly impact fees) for the County. After this information came to light, an audit was provided by the Department of Audit and Management Services. Many of the department's concerns seem to come from uncollected delinquent payments from water and sewer volume customers. The department is currently under a year long review.

The department, with the assistance of the Infrastructure and Land Use Committee, has been diligently working to resolve these issues.

III. POLICY CHANGE AND IMPLICATION

Section 8 of Ordinance 89-95 of the Miami-Dade County Code would be amended to include the following language:

"In the event that a volume customer provides water or sewer, or both, to any new retail user with our first ensuring that the collection charges are paid, such volume customer shall be liable for damage to the County in the amount of the connection charge owed by the retail customer. This requirement shall be incorporated in all contracts for water and sewer between the County and any volume customer."

This Ordinance will ultimately hold the volume customer liable if they fail to encourage or take the correct precautionary measures in enforcing that their tenant(s) make connection payments to the County before service is rendered.

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IV. ECONOMIC IMPACT

By shifting the responsibility to the volume customer the County is protecting themselves from the time and money spent on recovery from individual tenant(s) for delinquent payment of connection charges.

V. COMMENTS AND QUESTIONS

- This Ordinance speaks specifically to situations where there is a new tenant (retail user) who has failed to pay connection fees. Are there opportunities to take similar measures with the volume customer when the tenant (retail user) fails to make recurring payments, fees, or fines?

LEGISLATIVE ANALYSIS

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS AND ENFORCEMENT OF SIGN REGULATIONS; AMENDING SECTIONS 33-82, 33-86, 33-92 AND 8CC-10, AND CREATING SECTIONS 33-121.28-121.33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 051048]

Commissioner Katy Sorenson

I. SUMMARY

Item 3(E) proposes an Ordinance to modify present Code, establishing and enforcing minimum standards for the regulation of signs throughout the County. In addition, the Ordinance discusses the standardization of busway signs from Dadeland South to 304th Street along the South Miami-Dade Busway.

Item 3(E) Substitute modifies the proposed Ordinance by incorporating changes accepted at the June 14th Infrastructure and Land Use committee meeting and further revises the sections pertaining to busway signs.

The changes contained in the Substitute include:

- (1) Correcting the scrivener's errors;
- (2) Requiring all municipalities to obtain a written compliance determination from the Miami-Dade County Director of Planning and Zoning for only Class C signs;
- (3) Replacing the term "outdoor advertising sign" with that of "commercial advertising sign" in sections of the code pertaining to the proposed Ordinance (see Comments section);
- (4) Allowing for amendment of the busway map by ordinance, not resolution;
- (5) Prohibiting Class C signs in the busway protected area; and
- (6) Reassigning Section 33-121.30 to non-conforming signs, deleting exceptions to sign prohibition.

II. PRESENT SITUATION

Throughout the unincorporated and incorporated areas of Miami-Dade County, the height and scale of signs are inconsistent. In regards to the application and enforcement, the Sign Code of Miami Dade County ("Sign Code") states the following:

- (a) Miami Dade County bears the burden of enforcement in the unincorporated areas and the incorporated areas if specified. When the Sign Code is applicable to a municipality, the municipality is responsible for enforcement.
- (b) If property in the unincorporated area fronting a street right-of-way forms a common boundary with a municipality, and if the zoning classifications on both

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sides of the boundary are comparable, the property in the unincorporated area shall comply with the provisions of the municipal ordinance, provided the municipality has a sign ordinance with stricter standards than the Sign Code. In such event Miami-Dade County shall apply and enforce the provisions of the municipal ordinance in the unincorporated areas of the County.

III. POLICY IMPLICATIONS

The Department of Planning and Zoning will have the responsibility of reviewing all Class C – Outdoor Advertising Signs applications throughout the County and give a written determination of compliance before a permit can be pulled.

IV. ECONOMIC IMPACT

Additional staff may be required in order to handle the additional review of Class C sign applications.

V. COMMENTS AND QUESTIONS

“Commercial advertising sign” replaces the term “outdoor advertising sign” only in those sections addressed by the proposed Ordinance; however, the zoning code rewrite will standardize the language in the Code.

The municipalities will have to review their code, either rewriting it to bring it to standard with Miami Dade County’s or create a mechanism to effectively deal with the time delays imposed on non-compliance with the Standard Code and/or the re-submittal of new plans.

LEGISLATIVE ANALYSIS

RESOLUTION RELATING TO THE BILLING AND COLLECTION OF THE WATER AND SEWER DEPARTMENT'S CONNECTION CHARGES

Commissioner Barbara Carey-Shuler, Ed.D.

I. SUMMARY

The proposed resolution directs the County Manager to conduct annual audits on volume customers throughout the year. The audits will address volume customers of the Water and Sewer Department and the recent concerns with the department's billing and collection.

II. PRESENT SITUATION

Earlier this year, the Water and Sewer Department was under serious scrutiny for accusations stemming from their failure to collect numerous delinquent payments (mostly impact fees) for the County. After this information came to light, an audit was provided by the Department of Audit and Management Services. Many of the department's concerns seem to come from uncollected delinquent payments from water and sewer volume customers. The department is currently under a year long review.

The department, with the assistance of the Infrastructure and Land Use Committee, has been diligently working to resolve these issues.

III. POLICY CHANGE AND IMPLICATION

In recent months the Miami Herald ran reports disclosing various irregularities within the department, as it relates to billing and collection of fees. It was not until an audit was provided, that the BCC became completely aware of the full scale and impact of these problems.

The proposed legislation provides that the results of all audits be provided to the BCC within thirty days of their completion, allowing the County to take a more proactive approach towards informing the BCC. The proactive stance by the County Manager and staff should allow the collective efforts of the BCC, County Manager, and staff to quickly overcome and resolve concerns or issues in the future.

IV. ECONOMIC IMPACT

N/A

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V. COMMENTS AND QUESTIONS

1. What will be the fiscal impact on the County for the annual audits?
2. How many Water and Sewer volume customers do we currently have in Miami-Dade County?
3. How many audits do we foresee taking place on an annual basis?
4. Will the annual audits be provided by the Department of Audit and Management Services (similar to the preliminary audits earlier this year)?